

REMARKS

Interview Summary

Applicants thank the Examiner for the very courteous and helpful interview with Applicants' representative on October 7, 2008; and acknowledge and agree with the Interview Summary dated October 10, 2008 issued in response to that telephonic interview, which notes that the rejections of record and new rejections were discussed.

In this response Applicants have endeavored to amend the claims as discussed in that interview, as noted below, to place the claims in conditions for allowance. If the Examiner has any additional questions or concerns, please call Applicants' representative.

Status of the Claims

Pending claims

Claims 66 to 68, 70 to 76, 79 to 87, 90 to 101, 103, 104, 133 and 134 are pending in the application. Applicants thank the Office for rejoining claims 86 and 100.

Outstanding Rejections

Claims 66 to 68, 70 to 76, 79 to 87, 90 to 101, 103, 104, 133 and 134 are newly rejected under 35 U.S.C. §112, second paragraph. Claim 137 is newly rejected under 35 U.S.C. §112, first paragraph, written description requirement. Applicants respectfully traverse all outstanding rejections of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the claims as amended in this and previous responses. For example, support for claims encompassing polynucleotides encoding antibody heavy chain polypeptides having a prokaryotic secretion signal sequence, e.g., at the amino terminus, can be found *inter alia* on page 17, lines 10 to 20, of the specification, which is paragraph [0063] of this application's publication U.S. App. Pub. No. 20050048572 ("the '572 publication"). Support for methods of producing increased yields of an intact heavy and light chain-comprising antibody, wherein the intact antibody comprises a heavy chain variant of a reference antibody heavy chain, where the variant heavy chain lacks at least one

inter-heavy chain hinge region disulfide bond as compared to the reference heavy chain, can be found *inter alia* on page 92, lines 15 to 19, and page 93, lines 30 to 31, and 35, of the specification (see also claim 105 of the '572 publication).

Accordingly, no new matter has been added and the amendment can be properly entered.

Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendment places the case in condition for allowance and places the case in better condition for appeal; the amendment does not raise any issues of new matter; and, the amended and/or new claims do not present new issues requiring further consideration or search.

No new matter has been added by the addition of the new claims or the amendments. Entry of the amendments is respectfully requested. With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any objection and/or rejection made by the Office. Applicants expressly reserve the right to pursue prosecution of any subject matter not presently claimed in one or more future or pending continuation and/or divisional applications.

Issues under 35 U.S.C. §112, second paragraph

Claims 66 to 68, 70 to 76, 79 to 87, 90 to 101, 103, 104, 133 and 134 are newly rejected under 35 U.S.C. §112, second paragraph, for reasons set forth in detail on pages 3 to 4, of the OA. The instant amendment addresses these issues.

Issues under 35 U.S.C. §112, first paragraph, written description

Claim 137 is newly rejected under 35 U.S.C. §112, first paragraph, written description requirement, for reasons set forth in detail on pages 4 to 5, of the OA. To expedite allowance of this application, the instant amendment addresses this issue: the *Serratia* sp. limitation has been deleted and replaced by *Serratia marcescans*.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly enter the amendments set forth in this response under 37 CFR §1.116, and can properly withdraw the rejection of the pending claims under 35 U.S.C. §112 first and second paragraphs. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 146392005000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If the Office believes a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any remaining issues to place this application in condition for allowance.

Dated: January 8, 2009

Respectfully submitted,

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